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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIRA NONAKA and TADASHI EZAKI

Appeal 2009-004413
Application 09/856,276
Technology Center 2100

Decided: April 13, 2010

Before HOWARD B. BLANKENSHIP, THU A. DANG, and
DEBRA K. STEPHENS, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) (2002) from a final rejection of claims 1-5, 71, 140, 141, 287 and 288 (App. Br. 2). Claims 6-70, 72-139 and 142-286 have been cancelled (*id.*). We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We REVERSE.

Introduction

According to Appellants, the invention is a system and method for providing content data via data providing and processing apparati (Spec. 1, ll. 7-8).

STATEMENT OF THE CASE

Exemplary Claim

Claim 1 is an exemplary claim and is reproduced below:

1. A data providing system for distributing content data from a data providing apparatus to a data processing apparatus and managing said data providing apparatus and said data processing apparatus by a management apparatus, wherein

said management apparatus prepares a key file storing encrypted content key data and encrypted usage control policy data indicating a content of rights such as usage permission conditions of said content data,

said data providing apparatus provides said content data encrypted by using said content key data, and

said data processing apparatus decrypts said content key data and said usage control policy data stored in said key file and determines the handling of said content data based on the decrypted usage control policy data.

Prior Art

Linehan	5,495,533	Feb. 27, 1996
Kravitz	6,738,905 B1	May 18, 2004

Rejections

Claims 1-4, 71, 140, 287, and 288 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Linehan.

Claims 5 and 141 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Linehan and Kravitz.

ISSUES

35 U.S.C. § 102(b): claims 1-4, 71, 140, 287, and 288

Appellants argue their invention is not anticipated by Linehan, as Linehan does not disclose an encrypted access control list (App.Br. 8). Further, Appellants argue Linehan does not disclose or suggest a management apparatus that prepares a key file storing encrypted content key data and encrypted usage control policy data indicating a content of rights such as usage permission conditions of the content data (Ans. 10).

In response, the Examiner finds that the access control list of Fig. 8 indicates content of rights, including usage permission conditions of content data (Ans. 4). Further, the Examiner further finds that Linehan provides a file header that includes a file encryption key (*id.* at 8). The Examiner finds, as supported by Fig. 8 of Linehan, that the file encryption key is, itself, encrypted under a control key, a control index number, a file owner's name, an access control list, and a message authentication check (*id.* at 8). Further,

the Examiner finds that Linehan discloses that the file header is stored as part of the encrypted file in the file server (Ans. 9).

Issue 1: Have Appellants shown that the Examiner erred in finding Linehan teaches a key file storing encrypted usage control policy data?

FINDINGS OF FACT (FF)

The following findings of fact (FF) are supported by a preponderance of the evidence.

Linehan Reference

(1) Linehan describes a computing system that includes a security system. The security system identifies whether a user is permitted to create or access a data file on the computing system. (col. 4, ll. 61-64).

(2) The file header, of Fig. 8, includes a file encryption key that is encrypted under a control key, a control key index number, a file owner's name, access control list and message authentication check (Fig. 8). Linehan discloses that "[t]he entire file header is 'protected' against modification by a message authentication check field that is appended to the header and is encrypted under the same control key" (col. 8, ll. 57-65).

PRINCIPLES OF LAW

Anticipation

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharm.*

Corp., 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992)).

ANALYSIS

Based on the Examiner's Answer, the Examiner reads the access control list of Linehan on the usage control policy data of representative claim 1. We find that Linehan discloses that the (1) file encryption key and (2) message authentication check are encrypted, but the access control list is not (FF 2). Accordingly, we find Linehan does not disclose a key file storing encrypted usage control policy data. Thus, we find the Examiner erred.

103(a): claims 5 and 141

We find claim 5 depends from independent claim 1 (App. Br. 12, Claims App'x). Thus, for the reasons set forth above, we find Linehan does not disclose an "a key file encrypted usage control policy data." The Examiner did not rely on Kravitz to teach this limitation. Claim 5, which depends from claim 1 which recites this limitation, and claim 141 which recites this limitation. Thus, we find neither Linehan nor Kravitz when taken alone or in combination teach or suggest the invention as recited in claim 5 or claim 141. Accordingly, we find Appellants have shown that the Examiner erred in finding Linehan teaches "encrypted usage control policy data," as recited in claims 5 and 141.

CONCLUSION

Appellants have shown that the Examiner erred in finding Linehan teaches "encrypted usage control policy data." Thus, Appellants have shown the Examiner erred in finding claim 1 is anticipated by Linehan.

We find independent claims 71, 140, 287, and 288 similarly recite "encrypted usage control policy data" (App. Br. 12-15, Claims App'x) and thus, for the reasons set forth above with respect to claim 1, we find the Examiner erred in finding claims 71, 140, 287, and 288 are anticipated by Linehan. Thus, we reverse the Examiner's rejection of (1) claim 1, and claims 2-4 which depend therefrom; (2) independent claim 71; (3) independent claim 140; (4) independent claim 287; and (5) independent claim 288.

Additionally, Appellants argue claims 5 and 141 for the reasons argued with respect to claim 1. Thus, Appellants have shown the Examiner erred in finding claims 5 and 141 are obvious over Linehan and Kravitz.

DECISION

The Examiner's rejection of claims 1-4, 71, 140, 287 and 288 under 35 U.S.C. § 102(b) as being anticipated by Linehan is reversed.

The Examiner's rejection of claims 5 and 141 under 35 U.S.C. § 103(a) as being obvious over Linehan and Kravitz is reversed.

REVERSED

Vsh

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